

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Spangenberg, et al.

Application No.: 10/552,857

Filed: 10/14/2007

Title: Chalcone synthase dihydroflavonol
4-reductase and leucoanthocyanidine
reductase from clover, medic ryegrass or
fescue

Attorney Docket No.: FREE.P-007

Group Art Unit: 1638

Examiner: A. Kubelik

Conf. No.: 4572

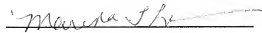
SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication mailed on April 20, 2009 for this application, and in further response to the restriction requirement mailed January 29, 2009 for the above-captioned application, Applicants elect nucleic acids encoding Seq. ID No. 2 (Group I) as the CHS-encoding sequence in the construct. It is pointed out, however, that this should be treated as a species election, as the common inventive concept in this case is a construct encoding both a CHS and a BAN from a trifolium species, and thus there is unity of invention under the PCT rules.

Respectfully submitted,



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